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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16  
17 UNITED STATES OF AMERICA, Plaintiff,  
18 v.  
19 MARCUS NEWTON, Defendants.

20 CASE NO. 1:22-CR-00120-ADA-BAM  
21 STIPULATION REGARDING EXCLUDABLE  
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
23 ORDER  
24 DATE: June 14, 2023  
25 TIME: 1:00 P.M.  
26 COURT: Hon. Barbara A. McAuliffe

27 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
28 through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on June 14, 2023.
2. By this stipulation, defendant now moves to continue the status conference until August 9, 2023, and to exclude time between June 14, 2023, and August 9, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(i) and (ii) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, surveillance video, audio recordings, cell phone extractions, and other voluminous materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
  - b) Counsel for defendant desires additional time consult with her client, review the

1 voluminous discovery, and conduct independent investigation.

2 c) Counsel for defendant believes that failure to grant the above-requested  
3 continuance would deny her the reasonable time necessary for effective preparation, taking into  
4 account the exercise of due diligence.

5 d) The government does not object to the continuance.

6 e) Based on the above-stated findings, the ends of justice served by continuing the  
7 case as requested outweigh the interest of the public and the defendant in a trial within the  
8 original date prescribed by the Speedy Trial Act.

9 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
10 et seq., within which trial must commence, the time period of June 14, 2023 to August 9, 2023,  
11 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii) [Local Code  
12 T4] because it is so unusual or so complex, due to the number of defendants, the nature of the  
13 prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect  
14 adequate preparation for pretrial proceedings or for the trial itself within the time limits  
15 established by this section.

16 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
18 must commence.

19 IT IS SO STIPULATED.

20  
21 Dated: June 6, 2023

PHILLIP A. TALBERT  
United States Attorney

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24 /s/ JUSTIN J. GILIO  
25 JUSTIN J. GILIO  
Assistant United States Attorney

26 Dated: June 6, 2023

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28 /s/ Christina Corcoran  
Christina Corcoran  
Counsel for Defendant  
Marcus Newton

## **ORDER**

IT IS SO ORDERED that the status conference is continued from June 14, 2023, to **August 9, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii).

IT IS SO ORDERED.

Dated: June 6, 2023

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE